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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,850	02/08/2001	Jeremy S. Laurin	13754	6155

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Dowell & Dowell, P.C.
1215 Jefferson Davis Highway
Suite 309
Arlington, VA 22202

EXAMINER

BLOUNT, STEVEN

ART UNIT PAPER NUMBER

2661

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,850

Applicant(s)

LAURIN, JEREMY S.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the language in the description of a preferred embodiment section of the application is indefinite.

The phrase "A computer 1 programmed to respond to switch, voice, external signals for selection of specific information, pre-recorded and digitized into data files, that outputs the selected files to a wireless transmitter" is indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, the equivalent of frequency division multiplexing is claimed for the portion "transmitter outputs are combined via a tuned series of filters...and comprises a channel select switch in the receiver determines which of the transmitter frequencies to receive, hereby determining which language to receive." The examiner cannot locate support for this claimed process which would enable the switching process as claimed.

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Also, the applicant, in discussing the multiplexing technologies used on page 3, states that "using RF modulation technologies as spread-spectrum frequency hopping, Time division multiple access...". The examiner respectfully submits that the applicant has confused modulation with multiplexing. Spread spectrum and time division multiple access are multiplexing technologies, not modulation. The applicant has also cited the term "time-domain modulation" in line 14. Although the examiner is aware of "time hopping" as a form of multiplexing, he has never heard the use of the term "time-domain modulation". Also, in claim 3, "Time Division Multiple Access via a spread-spectrum frequency hopping transmitter". There is no support for this *combination* of multiplexing methods. The examiner also believes that there is not support for a definite embodiment of the invention, merely a long list of possible alternative communication schemes, and it is unclear how the invention would be implemented – in a satellite, in a room, on a control tower, etc., and if it were to be programmed into a satellite, it is not mentioned how the data files would be transmitted to the satellite.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 – 3 have many 112 second paragraph problems which must be corrected by the applicant.

In claim 1, there is no delimiter in the preamble such as "consisting of" or "comprising". Also, "and comprises a channel select switch in the receiver determines" is grammatically indefinite. Also, "digital to analog converter and/or demultiplexer" is indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,421,347 to Borgstahl et al.

With regard to claim 1, Borgstahl teaches a multichannel transmission system for broadcasting programmed information in varied languages (see col 14, lines 26+) stored on a computer, wherein the program is responsive to external events (proximity of the user – see col 14, lines 13+) which determines which data files (ie, which languages are appropriate for the tour mentioned in col 14 line 27). Note that tours in museums are mentioned in col 14 line 32. Frequency division multiplexing is mentioned in col 4, line 6. Note that although the use of a digital to analog converter is not explicitly mentioned in Borgstahl et al, the use of the RF and digital processes mentioned in Borgstahl et al would render this obvious.

With regard to claim 2, see the discussion of "physical proximity" in col 4, line 40.

With regard to claim 3, see the discussion of TDMA and CDMA in col 4 line 8.

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7. Examiner Steven Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30, Monday through Friday.

non
Ajit Patel
Primary Examiner

SB

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6/2/04